

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-4751

TIMOTHY COOLEEN,

Appellant

v.

WARDEN JOHN LAMANNA, FCI McKean; GARY GRIMM, Associate
Warden, FCI McKean; DR. DENNIS OLSON, Chief Medical Officer,
FCI McKean; MR. MENNA, Hospital Administrator, FCI McKean;
DR. H. BEAM, Staff Physician, FCI McKean; ROBERT KLARK,
Camp Administrator, FCI McKean; R. SMITH, Chief Medical Officer,
FCI McKean; C. T. MONTGOMERY, Assistant Chief Medical Officer (P.A.),
each sued in their individual and official capacities; UNKNOWN, UNNAMED
MEMBERS, of the Utilization Review Committee, FCI McKean, each sued in
their individual and official capacities; UNITED STATES OF AMERICA

On Appeal From the United States District Court
For the Western District of Pennsylvania
(D.C. Civ. No. 04-cv-00063)
District Judge: Honorable Judge Sean J. McLaughlin

Submitted Under Third Circuit LAR 34.1(a)
May 1, 2007

Before: BARRY, CHAGARES and ROTH, CIRCUIT JUDGES

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a). On consideration whereof, it is now here

ORDERED AND ADJUDGED by this court that the judgment of the District Court entered August 30, 2005, be and the same is hereby affirmed in part and vacated in part, and this matter is remanded for further proceedings. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron
Clerk

DATED: September 14, 2007

Certified as a true copy and issued in lieu
of a formal mandate on 11/10/07

Teste: Marcia M. Waldron
Clerk, U.S. Court of Appeals for the Third Circuit